

REMARKS

Claims 1, 9, and 14 have been amended. Claims 1-18 remain pending.

Telephone Interview of September 12, 2006

Applicants thank Examiner Luu for conducting a telephone interview on September 12, 2006, to discuss the independent claims and the Alexander reference. Applicants request reconsideration of the rejections in view of the points raised during the telephone interview and in this paper. Attorney for Applicants pointed out during the interview that the display 142 identified in the Final Office Action as corresponding to a remote metering display did not display any of the metering menu information shown in FIGS. 6A-6B. Rather, such information is displayed on the LCD display 406 of the front panel 400 of the EID 200 that is integrated into the circuit breaker 116 (FIGS. 2A, 4, 9C). Because the EID 200 is not remote from the circuit breaker 116 but rather a part of it, a *prima facie* case of obviousness has not been made by the Examiner.

To clarify the remote arrangement of the remote metering display relative to the power meter, Applicants propose to amend the independent claims. Though Applicants believe that the term "remote metering display" sufficiently conveys the remoteness of the metering display relative to the power meter, the present amendments are made for clarification purposes only. Applicants believe they present the claims in better form for appeal and would not require any new search because the originally filed claims already included the term "remote" and because it was also understood by the Examiner that the metering display is remote from the power meter as evidenced by the identification of the remote display 142 in Alexander as corresponding to the claimed remote metering display.

Applicants also amended the claims to call for the power meter to be in a switchgear, to clarify the location of the power meter. This amendment is supported by at least element 14 in FIG. 1 of Applicants' disclosure. Applicants respectfully request that the amendments be entered and that the Examiner reconsider the instant rejections.

Section 103 Rejections

Claims 1-4, 6, 9-12, and 14-17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,038,516 to Alexander *et al.* (“Alexander”) in view of U.S. Patent No. 6,374,145 to Lignoul (“Lignoul”), U.S. Patent No. 6,504,534 to Takase *et al.* (“Takase”), and U.S. Patent No. 6,076,169 to Lee (“Lee”).

The primary reference, Alexander, does not disclose or suggest a remote metering display that is remote from a power meter as claimed. The Office Action identifies element 142 as corresponding to the display screen of the remote metering display, and while admittedly this display 142 is remote from the circuit breaker 116, it is not the display that displays the metering menu information in FIGS. 6A and 6B as cited in the Office Action on page 3. The metering menu information depicted in FIGS. 6A and 6B is displayed on the EID 400 of the circuit breaker 116.

The Office Action concedes on pages 3-4 that Alexander fails to disclose the following limitations from the claims, including the absence of a remote metering display:

Limitations absent from Alexander

- remote metering display (clearly absent from Alexander as shown herein)
- a motion sensor (admitted by Office Action, p. 3)
- powering on display in response to detection of a person’s presence (admitted by Office Action, p. 3)
- user interface buttons for navigating through menu options (admitted by Office Action, p. 3)
- presenting, without user interaction, power-related information when the display screen is powered on (admitted by Office Action, p. 4)
- viewing from said distance power-related information (admitted by Office Action, p. 4)

Despite the absence of **nearly every single** limitation in the claims in the primary reference, Alexander, the Office Action asserts that it would have been obvious to modify

Alexander to include all of the absent features by a combination of Alexander-Lignoul, Alexander-Lignoul-Takase, and Alexander-Lignoul-Takase-Sorenson to arrive at the claimed invention. First, as shown above, because Alexander does not disclose a remote metering display as claimed, a *prima facie* case of obviousness has not been made. Second, there has been no showing by the Examiner that a person of ordinary skill would have been motivated to make each *and every* one of the proposed combinations to arrive at Applicants' claimed invention.

Applicants also submit herewith a declaration under 37 C.F.R. § 1.132 from one of the inventors, Jason Thurmond, in support of the non-obviousness of the claimed invention. Pursuant to 37 C.F.R. § 1.116(e), Applicants request that this evidence be admitted. The declaration is necessary to explain the state of the art, to provide evidence of non-obviousness, and to advance this case toward allowance. In the prior Office Action mailed January 17, 2006, the Examiner rejected claims 1-4, 9-12, and 14-17 based on a combination of Alexander, Lignoul, Takase, and Lee. In response, Applicants pointed out that the Examiner had not made a *prima facie* case for obviousness because the combination failed to teach or suggest viewing from a distance power-related information and user interface buttons for navigating through menu options as claimed. In the instant Final Office Action, the Examiner added the Sorenson in response to Applicants' remarks, prompting Applicants to submit the instant declaration. Though Applicants believe that the Examiner has still not made a *prima facie* case for obviousness (*e.g.*, the Alexander-Lignoul-Takase-Lee-Sorenson combination fails to teach or disclose a remote metering display), Applicants submit this declaration in an effort to advance prosecution to allowance.

Mr. Thurmond's declaration points out that switchgear environments are caustic environments that are wrought with life-threatening safety hazards that do not exist in the personal computing environments. It identifies several reasons why one of ordinary skill in the power monitoring field of art would not take inspiration from the personal computing field of art to arrive at the claimed invention. For example, Mr. Thurmond's declaration states that there are several advantages to the motion sensor on a remote

metering display that is separate from a power meter, which are not considerations in the PC-related arts. First, Mr. Thurmond explains that switchgears are potentially deadly environments in which the operator is physically inches away from current and power levels that can severely burn or even kill a person. The motion sensor obviates the need for the operator to touch any part of the switchgear, reducing the risk of electrocution and injury to the operator. Second, replacing or servicing switchgear equipment is extremely dangerous and can require the plant or heavy equipment that is connected to the switchgear equipment to be shut down or turned off. The motion sensor extends the mean-time-to-failure rate of the display screen, reducing the frequency with which an operator must service or replace the remote metering display, which is connected to the power meter. This feature is even more important when a vacuum fluorescent display is used, because it has a shorter life span than other displays, but produces a brighter, more readable output. The caustic environmental conditions in which switchgear is present only adds to shorten the lifespan of the display screen.

Mr. Thurmond's declaration also provides evidence that products sold by Square D embodying the claimed invention have been commercially successful, a potent consideration of non-obviousness. Mr. Thurmond explains that customers are actually willing to pay nearly double for a power meter when purchased with a remote metering display with motion sensor than when purchased without a motion sensor. After Square D introduced the remote metering display with motion sensor, its total revenue for circuit monitors increased over 20% as a result of customers' willingness to pay more to have the motion sensor feature. Square D's market share increased to 30% at a time when there have been multiple entrants to the high-end power meter market.

Applicants respectfully submit that Mr. Thurmond's declaration establishes that there would have been no motivation to combine the various teachings of Lignoul, Takase, Lee, Shpater, Hong, Moon, Given, and Beaudouin-Lafon with Alexander to arrive at the claimed invention and that the commercial success of devices embodying the claimed invention refute the alleged obviousness of the proposed combinations.

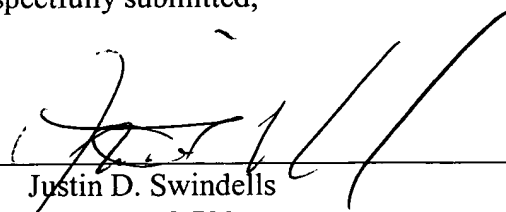
Conclusion

Reconsideration of this application in light of the foregoing remarks is respectfully requested. It is believed that no fee is presently due; however, should any additional fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Jenkins & Gilchrist, P.C. Deposit Account No. 10-0447, Order No. 47181-00232USPT.

Respectfully submitted,

Date: September 21, 2006

By



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